

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

TERRA TERSUS LLC,

Plaintiff,

v.

XTO ENERGY, INC.,

Defendant.

TERRA TERSUS LLC,

Plaintiff,

v.

NOV OILWELL VARCO, L.P.,

Defendant.

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§ CASE NO. 6:17-cv-00697-RWS-KNM
§ (LEAD CASE)

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§ **JURY TRIAL DEMANDED**

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PLAINTIFF’S COUNSEL’S OPPOSED MOTION TO WITHDRAW

DiNovo Price LLP and its attorneys of record in this matter, Andrew G. DiNovo, Adam G. Price, Gabriel R. Gervery, and Daniel L. Schmid, hereby move to withdraw from representation of Plaintiff Terra Tersus LLC (“Terra Tersus”) in the above captioned matters: *Terra Tersus LLC v. XTO Energy, Inc.*, Civ. Action No. 6:17-cv-00697 and *Terra Tersus LLC v. National Oilwell Varco, L.P.*, Civ. Action No. 6:17-cv-00698. Because Terra Tersus and DiNovo Price have terminated their attorney-client relationship under the terms of their engagement agreement, DiNovo Price cannot continue to represent Terra Tersus. Accordingly, this Motion is not for purposes of delay, and there is good cause for DiNovo Price’s withdrawal. Terra Tersus has agreed to DiNovo Price’s withdrawal and is actively seeking new counsel. To avoid prejudice and to permit time for obtaining new counsel, Terra Tersus is simultaneously moving for a stay of all pending litigation deadlines for sixty (60) days. Defense counsel oppose this Motion to Withdraw,

and have raised concerns about lack of substitute counsel. The stay should obviate any possible prejudice to Defendants, which would have no discovery, briefing, expert or other obligations during this time.

Accordingly, DiNovo Price and its above-named attorneys of record respectfully request that the Court grant leave for their withdrawal from this matter.

DATED: July 27, 2018

Respectfully submitted,

/s/ Andrew G. DiNovo

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Counsel for Plaintiff Terra Tersus LLC

CERTIFICATE OF CONFERENCE

On July 25, 2018 and July 27, 2018, counsel for Plaintiff conferred by telephone and e-mail with counsel for Defendants, who indicated that the foregoing motion is opposed by Defendants.

/s/ Andrew G. DiNovo
Andrew G. DiNovo

CERTIFICATE OF SERVICE

I hereby certify that on the 27th of July 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Andrew G. DiNovo
Andrew G. DiNovo